

CHAPTER 4 RESIDENCE DISTRICTS: HEIGHT, AREA AND DENSITY REGULATIONS

Section

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400 HEIGHT OF BUILDINGS OR STRUCTURES (R)

400.1 Except as specified in this chapter and in chapters 20 through 25 of this title, the height of buildings or structures in a Residence District shall not exceed that given in the following table:

ZONE DISTRICT	MAXIMUM HEIGHT (Feet)	MAXIMUM HEIGHT (Stories)
R-1-A, R-1-B, R-2 R-3, R-4, R-5-A	40	3
R-5-B	50	No Limit
R-5-C	60	No Limit
R-5-D	90	No Limit
R-5-E	90	No Limit

400.2 Except as provided in § 2510, the height of buildings or structures specified in § 400.1 may be exceeded as provided in §§ 400.3 through 400.13.

400.3 A spire, tower, dome, pinnacle, minaret serving as an architectural embellishment, or antenna may be erected to a height in excess of that which this section otherwise authorizes in the district in which it is located.

400.4 A chimney or smokestack may be erected to a height in excess of that authorized in the district in which it is located when required by other municipal law or regulation.

- 400.5 A building or other structure may be erected to a height not exceeding ninety feet (90 ft.); provided, that the building or structure shall be removed from all lot lines of its lot for a distance equal to the height of the building or structure above the natural grade.
- 400.6 A church may be erected to a height of sixty feet (60 ft.); provided, that it shall not exceed the number of stories permitted in the district in which it is located.
- 400.7 If housing for mechanical equipment or a stairway or elevator penthouse is provided on the roof of a building or structure, it shall be erected or enlarged as follows:
- (a) It shall meet the requirements of § 411;
 - (b) It shall be set back from all exterior walls a distance at least equal to its height above the roof upon which it is located; and
 - (c) It shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.
- 400.8 Housing for mechanical equipment, a stairway, or elevator penthouse may be erected to a height in excess of that authorized in the district in which it is located.
- 400.9 An institutional building or structure may be erected to a height not exceeding ninety feet (90 ft.); provided, that the building or structure shall be removed from all lot lines of its lot a distance of not less than one foot (1 ft.) for each foot of height in excess of that authorized in the district in which it is located.
- 400.10 In an R-1 and R-2 District, a public school building or structure may be erected to a height not exceeding sixty feet (60 ft.).
- 400.11 In an R-3, R-4, R-5-A, R-5-B, and R-5-C District, a public school building or structure may be erected to a height not exceeding ninety feet (90 ft.).
- 400.12 In an R-5-B District, a college or university building or structure covered by an approved campus plan may be erected to a height not exceeding sixty feet (60 ft.).
- 400.13 Where required by An Act To Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), a height in excess of that permitted shall be authorized by the Mayor.

AUTHORITY: Unless otherwise noted, the authority for this chapter is the Zoning Act of 1938, approved June 20, 1938 (52 Stat.797, as amended; D.C. Official Code §§ 6-641.01 to 6-641.15 (formerly codified at D.C. Code §§ 5-413 to 5-432 (1994 Repl. & 1999 Supp.)).

SOURCE: §§ 3201.1, 3201.2, and 3201.3 of Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 33 DCR 3975 (July 4, 1986); Final Rulemaking published at 36 DCR 1509, 1522-23 (February 24, 1989); Final Rulemaking published at 39 DCR 8305, 8306 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8336-67 (October 20, 2000).

401 MINIMUM LOT DIMENSIONS (R)

- 401.1** Except as provided in chapters 20 through 25 of this title, in the case of a building located, on May 12, 1958, on a lot with a lot area or width of lot, or both, less than that prescribed in § 401.3 for the district in which it is located, the building may not be enlarged or replaced by a new building unless it complies with all other provisions of this title.
- 401.2** Except as provided in § 401.3, in the case of an unimproved lot in single ownership on November 1, 1957, that has a lot area or width of lot less than that specified in § 401.3 for the district in which it is located and that does not adjoin another unimproved lot in the same ownership, a structure may be erected on the lot if both the lot area and width of lot are at least eighty percent (80%) of the lot area and width of lot specified under § 401.3; provided, that the structure shall comply with all other provisions of this title.
- 401.3** Except as prescribed in the other provisions of this chapter, the minimum dimensions of a lot in a Residence District shall be as set forth in the following table:

ZONE DISTRICT AND STRUCTURE	MINIMUM LOT AREA (square feet)	MINIMUM WIDTH OF LOT (feet)
R-1-A All structures	7,500	75
R-1-B All structures	5,000	50
R-2 One-family semi-detached dwelling	3,000	30
R-2 All other structures	4,000	40

ZONE DISTRICT AND STRUCTURE	MINIMUM LOT AREA (square feet)	MINIMUM WIDTH OF LOT (feet)
R-3 Row dwelling	2,000	20
R-3 One-family semi-detached dwelling	3,000	30
R-3 All other structures	4,000	40
R-4 Row dwelling and flat	1,800	18
R-4 One-family semi-detached dwelling	3,000	30
Conversion to apartment house	900/apartment or bachelor apartment	None prescribed
All other structures	4,000	40
R-5-A	As prescribed by the Board pursuant to § 3104	As prescribed by the Board pursuant to § 3104
R-5-B, R-5-C, R-5-D, R- 5-E	None prescribed	None prescribed

401.4 In the case of an unimproved plot of ground in single ownership on November 1, 1957, that has a lot area or width of lot less than two hundred percent (200%) of that prescribed in § 401.3 or the district in which it is located and that does not adjoin another unimproved plot of ground in the same ownership, two structures may be erected on the lot; provided, that each structure shall be erected on a lot that complies with eighty percent (80%) of both the required lot area and width of lot specified in § 401.3; and provided further, that each structure shall comply with all other provisions of this title.

401.5 In R-5-A Districts, each row dwelling shall have at least eighteen hundred square feet (1,800 ft.²) of gross land area exclusive of any land area in the project used as a basis for determining the floor area ratio of multi-family buildings. Each row dwelling, however, need not have a site of eighteen hundred square feet (1,800 ft.²), and the difference between the site area and the gross land area may be accumulated into common spaces. Land areas used to support this floor area ratio of multi-family buildings may also be used for common spaces.

401.6 Each lot created after February 15, 1966, to be used and occupied by a one-family detached dwelling, one-family semi-detached dwelling, community-house, or row dwelling, shall have a street frontage measured along the street a distance equal to at least forty percent (40%) of the required minimum width of lot and no case less than fourteen feet (14 ft.).

401.7 Each lot created after February 15, 1966, to be used and occupied by an apartment house shall have a street frontage measured along the street a distance of not less than thirty feet (30 ft.).

SOURCE: §§ 3301.1, 3301.2, 3301.3, and 3301.4 of the Zoning Regulations, effective May 12, 1958; §§ 3301.5 and 3301.6 added by Case No. 65-131, February 15, 1966; as amended by Final Rulemaking published at 39 DCR 8305, 8306 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8337-68 (October 20, 2000).

402 FLOOR AREA RATIO (R)

402.1 In an R-1 and R-2 District, the maximum floor area ratio requirements applicable in each district may be increased for specific public school buildings or structures; provided, the total gross floor area of all buildings and structures on the campus shall not exceed a floor area ratio of nine-tenths (0.9).

402.2 In an R-3, R-4, R-5-A, and R-5-B District, the maximum floor area ratio requirements applicable to each district may be increased for specific public school buildings or structures, but shall not exceed the floor area ratio prescribed for the R-5-B District.

402.3 In all other Residence Districts not provided for in §§ 402.1 and 402.2, increases in the floor area ratio of all public school buildings and structures shall not exceed the floor area ratio prescribed for the R-5-C District.

402.4 Except as provided in other provisions of this chapter and in § 411, the maximum permitted floor area ratio in a Residence District shall be as set forth in the following table:

ZONE DISTRICT AND STRUCTURE	MAXIMUM FLOOR AREA RATIO (FAR)
R-1-A, R-1-B, R-2, R-3, R-4	None prescribed
R-5-A All Structures	0.9

ZONE DISTRICT AND STRUCTURE	MAXIMUM FLOOR AREA RATIO (FAR)
R-5-B All structures	1.8
R-5-C All structures	3.0
R-5-D All structures	3.5
R-5-E Apartment house and hotel	6.0
Any other structure	5.0

- 402.5 First floor or basement areas designed and used for parking space or for recreation space shall not be counted in the floor area ratio; provided, that not more than fifty percent (50%) of the perimeter of the space may be comprised of columns, piers, walls or windows, or may be similarly enclosed.

SOURCE: § 3302 of the Zoning Regulations, effective May 12, 1958; as amended by: Zoning Commission Order No. 19, dated November 17, 1970, published at 17 DCR 306, 307 (November 30, 1970); Final Rulemaking published at 39 DCR 8305, 8306-8307 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8368 (October 20, 2000).

403 PERCENTAGE OF LOT OCCUPANCY (R)

- 403.1 A public school building may occupy the lot upon which it is located in excess of the permitted percentage of lot occupancy prescribed in § 403.2; provided, that the portion of the building excluding closed courts exceeding the permitted lot coverage shall not exceed twenty feet (20 ft.) in height or two (2) stories; and provided further, that direct pedestrian access not less than ten feet (10 ft.) in width from at least two (2) public right-of-ways shall be provided to each roof area used for these purposes. The roof area shall be used only for open space, recreation areas, or other athletic and field equipment areas in lieu of similarly used space normally located at ground level.
- 403.2 No structure, including its accessory building, shall occupy its lot in excess of the percentage of lot occupancy set forth in the following table:

ZONE DISTRICT AND STRUCTURE	MAXIMUM PERCENTAGE OF LOT OCCUPANCY
R-1-A, R-1-B, R-2 Church or public school	60%
R-1-A, R-1-B, R-2 All other structures	40%
R-3 Row dwelling, church, or public school	60%
R-3 All other structures	40%
R-4 Row dwelling, flat, church, or public school	60%
R-4 Conversion to multiple dwelling	None Prescribed
R-4 All other structures	40%
R-5-A Church or public school	60%
R-5-A All other structures	40%
R-5-B All other structures	60%
R-5-C, R-5-D, R-5-E All other structures	75%

SOURCE: § 3303 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 39 DCR 8305, 8307 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8368 (October 20, 2000).

404 REAR YARDS (R)

404.1 A rear yard shall be provided for each structure located in a Residence District, the minimum depth of which shall be as set forth in the following table:

ZONE DISTRICT	MINIMUM DEPTH OF REAR YARD
R-1-A, R-1-B	25 feet
R-2, R-3, R-4, R-5-A	20 feet
R-5-B, R-5-C, R-5-D	4 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 15 feet.
R-5-E	3 inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet.

- 404.2 In the case of a through lot or a corner lot abutting three (3) or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the structure.
- 404.3 In the case of a lot proposed to be used by a public school that abuts or adjoins along the rear lot line a public open space, recreation area, or reservation, the required rear yard may be reduced or omitted.
- 404.4 In the case of a building existing on or before May 12, 1958, an extension or addition may be made to the building into the required rear yard; provided, that the extension or addition shall be limited to that portion of the rear yard included in the building area on May 12, 1958.

SOURCE: § 3304 of the Zoning Regulations, effective May 12, 1958; as amended by Final Rulemaking published at 39 DCR 8305, 8307 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8368-69 (October 20, 2000).

405 SIDE YARDS (R)

- 405.1 In an R-2, R-3, R-4, or R-5 District, a one-family detached dwelling shall be subject to the side yard requirements of an R-1 District.

- 405.2 In an R-3, R-4, or R-5 District, a one-family semi-detached dwelling shall be subject to the side yard requirements of an R-2 District.
- 405.3 In R-2, R-3, R-4, and R-5 Districts, when a one-family dwelling, flat, or multiple dwelling is erected that does not share a common division wall with an existing building or a building being constructed together with the new building, it shall have a side yard on each resulting free-standing side.
- 405.4 Except as provided in § 405.1, in an R-5-A District, one (1) side yard shall be provided for all structures unless the structure is an apartment house containing three (3) or more dwelling units per floor, in which case two (2) side yards shall be provided, each with the minimum width set forth in § 405.9.
- 405.5 A side yard shall not be required along a side street abutting a corner lot in a Residence District.
- 405.6 Except as provided in §§ 405.1 and 405.2, a side yard shall not be required in an R-3, R-4, R-5-B, R-5-C, R-5-D, or R-5-E District. However, if the yard is provided, it shall be at least three inches (3 in.) wide per foot of height of building, but not less than eight feet (8 ft.) wide.
- 405.7 In the case of a lot located in an R-1 or R-2 District proposed to be used by a public school that abuts or adjoins on one (1) or more side lot lines a public open space, recreation area, or reservation, the required side yard may be reduced or omitted.
- 405.8 In the case of a building existing on or before May 12, 1958, with a side yard less than eight feet (8 ft.) wide, an extension or addition may be made to the building; provided, that the width of the existing side yard shall not be decreased; and provided further, that the width of the existing side yard shall be a minimum of five feet (5 ft.).
- 405.9 Side yards shall be provided on lots in Residence Districts as set forth in the following table, subject to the special requirements of other provisions of this chapter:

ZONE DISTRICT	MINIMUM WIDTH OF EACH SIDE YARD
R-1-A, R-1-B, R-2	8 feet
R-3, R-4	None required, except as provided under §§ 405.1, 405.2, and 405.6

ZONE DISTRICT	MINIMUM WIDTH OF EACH SIDE YARD
R-5-A	3 inches per foot of height of building, but not less than 8 ft.
R-5-B, R-5-C, R-5-D, R-5-E	None required, except as provided under §§ 405.1, 405.2, and 405.6.

SOURCE: § 3305 of the Zoning Regulations, effective May 12, 1958; as amended by: Zoning Commission Order No. 17, dated November 17, 1970, published at 17 DCR 305 (November 30, 1970); Final Rulemaking published at 39 DCR 8305, 8307 (November 13, 1992); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8369 (October 20, 2000).

406 COURTS (R)

406.1 Where a court is provided in a Residence District, the court shall have the minimum dimensions set forth in the following table:

ZONE DISTRICT AND STRUCTURE	MINIMUM WIDTH OF OPEN COURT	MINIMUM WIDTH AND AREA OF CLOSED COURT
R-1-A, R-1-B, R-2, R-3, R-4, R-5-A One-family dwelling	4 in. per foot of height of court, but not less than 6 ft.	Width: 4 in. per foot of height of court, but not less than 5 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft. ²
R-1-A, R-1-B, R-2, R-3, R-4, R-5-A All other structures	4 in. per foot of height of court, but not less than 10 ft.	Width: 4 in. per foot of height of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft.

ZONE DISTRICT AND STRUCTURE	MINIMUM WIDTH OF OPEN COURT	MINIMUM WIDTH AND AREA OF CLOSED COURT
R-5-B One-family dwelling	4 in. per foot of height of court, but not less than 6 ft.	Width: 4 in. per foot of height of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft. ²
R-5-B Hotel	3 in. per foot of height of court, but not less than 10 ft.	Width: 4 in. per foot of height of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft. ²
R-5-B All other structures	4 in. per foot of height of court, but not less than 10 ft.	Width: 4 in. per foot of height of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft. ²
R-5-C, R-5-D One-family dwelling	3 in. per foot of height of court, but not less than 6 ft	Width: 4 in. per foot of height of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft. ²
R-5-C, R-5-D All other structures	3 in. per foot of height of court, but not less than 10 ft.	Width: 4 in. per foot of height of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft. ²
R-5-E One-family dwelling	3 in. per foot of height of court, but not less than 6 ft	Width: 4 in. per foot of height of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft. ²

ZONE DISTRICT AND STRUCTURE	MINIMUM WIDTH OF OPEN COURT	MINIMUM WIDTH AND AREA OF CLOSED COURT
R-5-E Hotel	2½ in. per foot of height of court, but not less than 6 ft.	Width: 2½ in. per foot of height of court, but not less than 12 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 250 ft. ²
R-5-E All other structures	3 in. per foot of height of court, but not less than 10 ft.	Width: 4 in. per foot of court, but not less than 15 ft. Area: Twice the square of the required width of court dimension based on the height of court, but not less than 350 ft. ²

- 406.2 No required opening for the admission of light and natural ventilation shall open onto a court niche where the ratio between the width of court niche and the depth of court niche is less than two to one (2/1).
- 406.3 No portion of a court niche shall be farther than three feet (3 ft.) from a point where the court niche is less than three feet (3 ft.) wide.
- 406.4 In the case of an alteration affecting the amount of light and ventilation required in an existing building in a Residence District by other municipal law or regulation, no legally required window shall be permitted to open onto a court that does not comply with the dimensions given in § 406.1.

SOURCE: § 3306 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 28 DCR 4192, 4193 (September 25, 1981); Final Rulemaking published at 39 DCR 8305, 8307-8309 (November 13, 1992); Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8369 (October 20, 2000).

407 MINOR FLEXIBILITY BY ZONING ADMINISTRATOR'S RULING (R)

- 407.1 The Zoning Administrator is authorized to permit a deviation not to exceed two percent (2%) of the area requirements of §§ 401 and 403 (minimum lot dimensions and maximum percentage of lot occupancy); and a deviation not to exceed ten percent (10%) of the linear requirements of §§ 404 and 405 (minimum rear yard and minimum side yard requirements); and a deviation from the requirements of § 406 (minimum court dimensions), not to exceed either two percent (2%) of the area standard or ten percent (10%) of the width standard; provided, that:

- (a) A building shall be allowed to deviate from the requirements of no more than two (2) of the sections identified in this subsection; and
- (b) The deviation or deviations shall be deemed by the Zoning Administrator not to impair the purpose of the otherwise applicable regulations.

SOURCE: Final Rulemaking published at 45 DCR 1446, 1447-48 (March 13, 1998).

408 - 409 [RESERVED]

**410 SPECIAL EXCEPTIONS FOR GROUPS OF RESIDENTIAL BUILDINGS
IN R-5 AND R-4 DISTRICTS**

- 410.1 In an R-5 District, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls erected from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title; provided, that the requirements of §§ 410.2 through 410.11 shall be met.
- 410.2 All buildings in the group of buildings shall be erected simultaneously.
- 410.3 All front entrances of the group shall abut a street, front yard, or front court.
- 410.4 No rear or service entrance shall abut a street, front yard, or front court unless below the main floor.
- 410.5 No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area.
- 410.6 No subdivision of the property shall be authorized until the Board has determined that the following requirements are met:
 - (a) There shall be adequate free access to the street from each separate dwelling, group of dwellings, or buildings resulting from the subdivision;
 - (b) Adequate access for fire protection and other purposes shall be provided by easement, fee, alley, or street; and
 - (c) There shall be adequate yards, courts, light, and air for each dwelling, group of dwellings, or group of buildings resulting from the subdivision.

- 410.7 The height of an individual building in a group of buildings may be measured as follows:
- (a) Any building that does not have another building between it and a public street shall be considered to front on the street, and the building height shall be measured from the curb at the center of the front of the building; and
 - (b) Any building that has another building between it and the public street may have its height measured from the proposed finished grade at the center of the front of the building, and the front shall be that side of the building providing access to the majority of the dwelling units within the building.
- 410.8 The front entrances of not more than four (4) one-family dwellings, nor more than four (4) dwelling units per floor, shall face any street that abuts the lot.
- 410.9 All front entrances of the group shall abut a street, front yard, or front court; provided, that a front entrance may abut a side yard if all one-family dwellings or dwelling units to which the entrance is appurtenant are located no nearer a street upon which the lot abuts than the rear of any part of the group having a front entrance abutting a street, front yard, or front court.
- 410.10 **[DELETED]**
- 410.11 No exterior stairway shall be constructed above the level of the joists of the main floor, unless located entirely within the building area of the group.
- 410.12 In an R-5-A District, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and be deemed a single building for the purpose of this title, when the group does not comply with the provisions of §§ 410.1 through 410.11, subject to the following conditions:
- (a) The provisions of §§ 410.4 and 410.5 shall be complied with; and
 - (b) The erection of the group of buildings shall not affect adversely the present character or future development of the neighborhood.
- 410.13 In an R-5-B District, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title; provided, that the following requirements shall be met:
- (a) All buildings in the group shall be erected simultaneously;

- (b) All front entrances of the group shall abut a street, front yard, or front court;
 - (c) No rear or service entrance shall abut a street, front yard, or front court unless located below the main floor; and
 - (d) No exterior stairway shall be constructed above the level of the joists of the main floor unless located entirely within the building area.
- 410.14 In an R-5-B District, if approved by the Board of Zoning Adjustment as a special exception under § 3104, a group of one-family dwellings, flats, or apartment houses, or a combination of these buildings, with division walls from the ground up or from the lowest floor up, may be erected and deemed a single building for the purpose of this title, when the group does not comply with the provisions of § 410.13, subject to the conditions specified in §§ 410.15 and 410.16.
- 410.15 Vehicular access to all or part of the group shall be provided when the Board deems the access is necessary in the interest of public convenience and safety.
- 410.16 The erection of the group of buildings shall not affect adversely the present character of future development of the neighborhood.

SOURCE: § 3307 of the Zoning Regulations, effective May 12, 1958; as amended by Zoning Commission Order No. 19, dated November 17, 1970, published at 17 DCR 306 (November 30, 1970); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8369-70 (October 20, 2000).

411 ROOF STRUCTURES (R)

- 411.1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), penthouses for storage and toilets incidental and accessory to roof swimming pools shall be subject to conditions and variable floor area ratio credit specified in this section.
- 411.2 When located below, at the same roof level with, or above the top story of any building or structure, penthouses (as outlined in § 411.1) shall be subject to the provisions of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3 when applicable, and to the conditions and variable floor area ratio specified in this section.

- 411.3 All penthouses and mechanical equipment shall be placed in one (1) enclosure, and shall harmonize with the main structure in architectural character, material, and color.
- 411.4 When roof levels vary by one (1) floor or more or when separate elevator cores are required, there may be one (1) enclosure for each elevator core at each roof level.
- 411.5 Enclosing walls from roof level shall be of equal height, and shall rise vertically to a roof, except as provided in § 411.6.
- 411.6 When consisting solely of mechanical equipment, the equipment shall be enclosed fully as prescribed in §§ 411.3 and 411.5, except that louvers may be provided. A roof over a cooling tower need not be provided when the tower is located at or totally below the top of enclosing walls.
- 411.7 Solely for the uses designated in this section, an increase of allowable floor area ratio of not more than thirty-seven hundredths (0.37) shall be permitted.
- 411.8 Roof structures shall not exceed one-third (1/3) of the total roof area for those districts where there is a limitation on the number of stories.
- 411.9 In addition to the floor area ratio allowed by § 411.7, mechanical equipment owned and operated as a roof structure by a fixed right-of-way public mass transit system shall be permitted in addition to roof structures permitted in this section.
- 411.10 Before taking final action on a roof structure plan, the Zoning Administrator shall submit the plan to the D. C. Office of Planning for review and report. The report shall be returned within fifteen (15) days of the date of submission unless a different period has been provided by mutual agreement of all parties involved.
- 411.11 Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely.
- 411.12 For purposes of this section, the rules of interpretation provided in §§ 411.13 through 411.17 shall be applicable.

- 411.13 In computing the floor area ratio of a roof structure, the aggregate square footage of all levels or floors contained within a roof structure measuring six and one-half feet (6½ ft.) or more in height shall be included in the total floor area ratio permitted.
- 411.14 Areas within curtain walls without a roof used where needed to give the appearance of one (1) structure shall not be counted in floor area ratio, but shall be computed as a roof structure to determine if they comply with § 411.8.
- 411.15 For purposes of this section, mechanical equipment shall not include telephone equipment, radio, television, or electronic equipment of a type not necessary to the operation of the building or structure.
- 411.16 For purposes of this section, skylights, gooseneck exhaust ducts serving kitchen and toilet ventilating systems, and plumbing vent stacks shall not be considered as roof structures.
- 411.17 Roof structures less than four feet (4 ft.) in height above a roof or parapet wall shall not be subject to the requirements of this section.

SOURCE: § 3308 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 33 DCR 3975 (July 4, 1986); Final Rulemaking published at 33 DCR 4682 (August 1, 1986); Final Rulemaking published at 33 DCR 7308 (November 21, 1986); and Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8370 (October 20, 2000).